

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

TRUSTEES OF THE DISTRICT COUNCIL NO. )  
14 METAL POLISHERS 401(k) RETIREMENT )  
PLAN FUND; and TRUSTEES OF THE )  
CHICAGO PAINTERS AND DECORATORS )  
WELFARE FUND, )

Plaintiffs, )

v. )

JOHN CICHY, Individually and d/b/a )  
LAKESIDE RESTORATIONS, LAKE SIDE )  
RESTORATION, LAKESIDE MARBLE )  
RESTORATIONS, LAKESIDE MARBLE )  
RESTORATIONS, INC.; and LAKESIDE )  
MARBLE RESTORATIONS, INC., a dissolved )  
Illinois corporation, )

Defendants. )

No. 14 C 3959

Judge Lefkow

Magistrate Judge Mason

**PLAINTIFFS' MOTION FOR JUDGMENT IN A SUM CERTAIN**

Plaintiffs, by and through their attorneys, DONALD D. SCHWARTZ, JAMES R. ANDERSON, PAUL M. EGAN, and ARNOLD AND KADJAN, move this Court to enter judgment in a sum certain in favor of Plaintiffs and against the Defendants. In support of their Motion, the Plaintiffs state as follows:

1. This is an action to recover delinquent fringe benefit fund contributions.
2. On September 24, 2014, Plaintiffs served the corporate Defendant by serving the State of Illinois, Secretary of State.
3. On November 4, 2014, the individual defendant, JOHN CICHY, was served with the Summons and Complaint.
4. The Court entered an order of default against all Defendants on December 18, 2014.

5. According to the Affidavit of Richard Wolf, attached hereto as Exhibit 1, the Defendants owe \$52,912.31 to Plaintiffs based on the findings of an audit for the period from August 26, 2011 through October 31, 2015. The amount consists of \$51,174.81 in contributions, \$6,674.97 in liquidated damages, and \$1,737.50 in audit costs. The employer also owes an additional \$1,937.61 in unpaid liquidated damages and \$257.76 in discrepancies, which means the total amount owed is \$55,107.68. Of this amount, \$5,067.36 is owed on Count I of the Complaint, and the balance of \$50,040.32 on Count II of the Complaint.

WHEREFORE, Plaintiffs pray that this Court grant the following relief:

A. Enter judgment in favor of Plaintiffs and against the Defendants in the total amount of \$55,107.68, consisting of \$5,067.36 on Count I and \$50,040.32 on Count II. ( A copy of a proposed order is attached as Exhibit 2, and is being sent via the Court's email system).

B. Retain jurisdiction to enter judgment on all amounts found to be due and owing on the audit, including contributions, liquidated damages, interest, and reasonable attorneys' fees and costs. (See proposed Order attached as Exhibit 1).

Respectfully submitted,

TRUSTEES OF THE DISTRICT COUNCIL et al,

S/ James R. Anderson  
One of their attorneys

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